

Appl. No. 10/604,546  
Amdt. dated November 22, 2006  
Reply to Office action of August 25, 2006

**Amendments to the Drawings:**

Figure 1 has been corrected to provide labels for the circuit blocks 22 and 30. These circuit blocks 22 and 30 are now labeled as the spindle motor and the sledge motor, respectively. Acceptance of the figures is therefore respectfully requested.

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Attachment: Replacement Sheet

1 page

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**REMARKS/ARGUMENTS**

1. Rejection of claims 2 and 6 under 35 U.S.C. 112, second paragraph:

Claims 2 and 6 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "the maximum distance" lacks clear antecedent basis. The rejection may be overcome by replacing this phrase by "a maximum distance".

**Response:**

Claims 2 and 6 have each been amended to replace the phrase "the maximum distance" with the phrase "a maximum distance". Reconsideration of claims 2 and 6 is therefore respectfully requested.

2. Rejection of claims 1 and 2 under 35 U.S.C. 102(b):

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Han (US 5,633,840).

**Response:**

Independent claim 1 recites that the pickup head module is moved toward a spindle motor according to a gradually decreasing speed curve. As is explained in paragraphs [0016] and [0019] of the specification of the instant application, the advantages for moving the pickup head module according to a gradually decreasing speed curve include reducing the noise produced by the pickup head, and reducing the chance of the pickup head module colliding with the spindle motor.

The Han patent does not teach that the pickup head module is moved toward a spindle motor according to a gradually decreasing speed curve, and therefore fails to

teach all of the limitations of independent claim 1. Claim 2 is dependent on claim 1, and should be allowed if claim 1 is allowed. Reconsideration of claims 1 and 2 is therefore respectfully requested.

5     3. Rejection of claims 1-7 under 35 U.S.C. 102(b):

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Maeda (JP 08-096533).

**Response:**

10             Independent claims 1 and 5 recite that the pickup head module is moved toward a spindle motor according to a gradually decreasing speed curve. Independent claim 3 recites moving the pickup head module for the return distance in the direction from an outer ring to an inner ring of the disk according to a gradually decreasing speed curve.

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              The Maeda patent does not specify the speed at which the pickup head module moves, and fails to teach that the pickup head module is moved toward a spindle motor according to a gradually decreasing speed curve. Therefore, Maeda fails to teach all of the limitations of independent claims 1, 3, and 5. Claims 2, 4, 6, and 7  
20             are dependent on claims 1, 3, and 5, and should be allowed if claims 1, 3, and 5 are allowed. Reconsideration of claims 1-7 is therefore respectfully requested.

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              Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Sincerely yours,

Winston Hsu

Date: 11/22/2006

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is 13 hours behind the Taiwan time, i.e. 9 AM in D.C. = 10 PM in Taiwan.)

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